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JANUARY MEETING, 1901.

THE stated meeting was held on Thursday, the 10th instant, at three o'clock, P. M. ; the President in the chair.

The record of the December meeting was read and approved ; and the Librarian read the list of donors to the Library, and the Cabinet-keeper mentioned the gifts to the Cabinet.

Mr. Thomas L. Livermore, of Boston, was elected a Resident Member, and Daniel C. Gilman, LL.D., of Baltimore, Maryland, was elected a Corresponding Member.

The PRESIDENT then said : —

Had any one of those here at our November meeting, looking around the circle with a presentiment that the name of the occupant of one of the chairs would soon be stricken from our roll, thought to select that person, it may safely be said that almost the last who would have occurred to him would have been Governor Wolcott. He then filled almost ideally the position which Macbeth assigned to the Thane of Cawdor, — a “prosperous gentleman.” Elected Governor of Massachusetts four years ago by the largest popular vote, and incomparably the largest majority, any occupant of our executive chair ever received, he had, less than twelve months since, gracefully retired from his official position. Passing the last summer in Europe in the full enjoyment of an honorable leisure, he had received there and declined the nomination of Ambassador to Italy. In every respect his outlook, as his retrospect, was exceptionally bright. He had borne himself in his station to the general acceptance ; still in middle life, he had declined higher honors ; and it may in moderation be said that there was nothing in the gift of Massachusetts, at least, to bestow, to which he might not fairly have looked forward or aspired. Yet to-day it devolves upon me to announce here his death under circumstances still fresh in the minds of all. In doing so, it is not my intention to pay any lengthy

tribute to him. That task will devolve upon another. Confining myself, therefore, to our custom in these cases, I shall merely refer to Roger Wolcott's connection with this Society. He was elected at the Annual Meeting in April, 1884, that is, seventeen years ago the coming spring. Mr. Winthrop, then our President, was in the chair, and on that occasion he paid an elaborate and graceful tribute to Monsieur Mignet, the French historian. In the year 1887 Mr. Wolcott performed his first service in connection with the Society, filing a memoir of James M. Robbins, like himself, a resident of Milton. The same year he was put upon the Committee to nominate officers, as also upon a Committee to prepare a volume of writings included among the Pickering Papers. Three years later, he became a member of the Council, on which he served the usual term, preparing and presenting the report for the year 1892. Meanwhile, in February, 1889, he had submitted an interesting paper on the equestrian statue of George III., which stood on the Bowling Green in New York. He also from time to time served upon other Committees.

Governor Wolcott was, therefore, essentially a useful member of the Society, as membership goes. In no way peculiarly identified with it, he did his share of work. In the earlier days he was constant in his attendance at our meetings; though afterwards, during the long period he held the position of Lieutenant-Governor, and subsequently of Governor, his official duties interfered, and we saw him but rarely. His last appearance, as I have already mentioned, was at our meeting in November, immediately after his return from Europe. He was essentially one of those attractive, striking personalities, handsome in face and frank in bearing, always a pleasure to meet; and though he was seen here less frequently than we would have desired, the realization that we are to see him no more is to us also a source of deep regret.

I have also to announce the death of one of our most distinguished Corresponding Members, Professor Moses Coit Tyler, who died at Ithaca on the 28th of December last. Mr. Tyler, as a Corresponding Member of the Society, antedated Governor Wolcott on our roll by five years, having been elected at the meeting held the 13th of February, 1879. In looking over the record of that meeting in connection with Professor Tyler's death, the array of names I there found was

curiously suggestive of the quick passage of time, and of the rapidity with which figures and faces once very familiar vanish into the dimness of the past. Mr. Winthrop presided over that meeting, and at it announced the deaths of two Resident Members, both of whom I had known all my earlier years, — Jacob Bigelow, at my birth and for many years afterwards my father's family physician, and George S. Hillard, whom I remember well since 1850. Dr. Holmes then delivered one of his suggestive and highly characteristic tributes to Mr. Hillard, which those who were so fortunate as to be present are not likely to have forgotten. On the same occasion Leverett Saltonstall, another whom I had known since college days, also contributed, in connection with Mr. Hillard, some of the most refreshing and vivid reminiscences of European travel as it was in his youth, when Europe was still to Americans a rarely visited land, to which I remember to have listened. All I have named are memories now; and Professor Tyler has joined the goodly company.

I am not aware that, as a Corresponding Member of the Society, Professor Tyler ever was present at one of our meetings, or contributed to our Proceedings otherwise than indirectly, through references by others to his works. Nevertheless, few men were more familiar than he, if, indeed, any man in our number was so familiar, with the colonial and local literature of Massachusetts and New England. While, therefore, his death leaves no chair here vacant, and no sense of personal loss among us, it is an event truly regrettable so far as American literature and its history are concerned.

I shall now ask Judge Lowell to speak of Governor Wolcott.

Hon. FRANCIS C. LOWELL spoke as follows:—

Roger Wolcott served three years in the Common Council of Boston, three years in the Massachusetts House of Representatives, four years as Lieutenant-Governor, acting as Governor for nearly a year of this time, and three years as Governor. In the year of his retirement he declined the Italian embassy, and the harder and more honorable commissionership to the Philippine Islands. He belonged to the Republican party. In 1884 he supported Mr. Cleveland, and,

so far as I know, he never expressed regret for this action. He recognized, however, that useful political service is ordinarily impossible except to the member of a great political party, and he again took up his connection with the Republicans about 1886, partly because of his opinions on the tariff, and partly doubtless from the traditions and sympathies which affect most men in the choice of political associates. By his service as Lieutenant-Governor and Governor he was chiefly known.

It is a misfortune of the American political system that here public service is strangely limited. One who has filled high office to the satisfaction of everybody and has always been elected by immense majorities, may find himself shelved by the mere lapse of a very few years, with no definite political future. Governor Wolcott had graduated from public office in Massachusetts, and his opportunity of entrance into the ordinary federal service was not only uncertain, but seemed for its bare possibility to depend upon the happening of some event which he would by no means have wished to hasten. That the nation should often be unable to get the services of a good legislator without displacing another legislator more experienced, is a national misfortune.

In the discharge of his duties his most marked characteristic was the delicacy of his conscience. To do what conscience seemed to order was not enough. Conscience must be examined, and its every scruple satisfied, before an important decision was reached. Once reached in this manner, it governed all his actions and was not easily reconsidered, though he had no obstinacy and little pride of judgment. This delicacy of conscience made him hesitate, and his hesitation was sometimes taken for weakness or vacillation, which it was not. He was afraid of nothing but of doing wrong. By nature he was not a good politician, and though he learned much, to the end he lacked something in political judgment. He could not always select at once the consideration decisive of the question before him, and recognize the irrelevancy of arguments which obscured the true issue. A striking illustration of his temperament was the Martin case. A sounder politician would have seen at once — sounder politicians did see — that the usefulness of the chairman of the Police Commission had come to an end, and that by his

own fault. Under these circumstances he must go, without regard to the degree of his fault or to the motives of those who sought his removal. Governor Wolcott hesitated, not from any doubt of the impropriety of his conduct, but anxious to give full effect to every consideration which made in favor of the accused official, and fearing lest removal might be punishment too severe for his shortcomings. Those of us who believe that these considerations were irrelevant in deciding a question of administration, should remember that the Governor's decision was what we would have had it, and that perhaps it carried the more weight from its deliberation.

The office of Governor of Massachusetts is more important than some of us think, — much more important than it used to be. The Massachusetts system of government by commissions, be the system on the whole good or bad, depends for its success upon the appointing power. Here the Governor's scrupulosity stood him in good stead, and made his appointments remarkably successful, though I do not think his judgment of men was unusually keen.

The Governor has more to do than to make appointments to office. His influence on legislation is not measured by the number of his vetos. The knowledge that he would veto a bill if it got to him is far more potent than the rare exercise of his power. None but those who know the State House pretty well can understand all the political importance of a high-minded executive like Governor Wolcott. That he was ready to veto upon occasion was shown by his veto of the school tax bill. That he could use the fear of a veto to modify a bill objectionable in some respects, but containing, as he believed, a residuum of good, was shown by his treatment of the West End bill. In the last case some thought that he assumed functions belonging to the Legislature, but probably he did no more than advance a natural development of our institutions. Even Blackstone says, "It is highly necessary for preserving the balance of the constitution that the executive power should be a branch, though not the whole of the legislative." The application of this principle may well have changed somewhat since the days of Blackstone.

Democracy means something more than an equality of civil and political rights; it has something to say as well about rights and duties that are social. At present complete social

equality is an impossibility, because social distinctions actually exist. In many circumstances, however, social equality is assumed in a democracy where the opposite is assumed elsewhere; and surely it is for the advantage of all that these occasions of social equality should be as frequent as possible, provided there is no loss of things more important. A public man is expected to assume a social equality more nearly complete than is expected from an ordinary citizen. In the attempt to do what is expected of him, a public man of good social position risks the dangers of aloofness, of condescension, and of vulgar familiarity.

These dangers Governor Wolcott avoided by a rare dignity. Doubtless he was helped by a face and figure that should not be dwelt upon now, because a mere allusion to them greatly irritated him in his life. The secret of his dignity was within. He treated brakemen and cab-drivers, and even ward politicians, as his equals, not by assuming for the moment their language or thoughts, but by assuming that for the moment they had the kindness and breeding and friendliness, the honesty and patriotism that were his; and for the moment his assumption did not infrequently create the fact.

The people of the Commonwealth loved him and were proud of him. How great were their pride and their love few of us know who live in these parts of Boston. It has been thought that a democracy tends to become envious of excellence, and by moments this may be true. But it is not true in the long run, at least where the democracy of Massachusetts is concerned. Here was a man who had everything esteemed in a different social order, — birth, position, beauty, wealth, an easy life, rather an early promotion to public office. The people did not love him in spite of these things; they would not have bated a jot of them; they enjoyed his possession of them, feeling that his possession was partly theirs. The touch of formality in his manners they liked and approved. If he had done nothing else, Roger Wolcott would have done a great public service by showing that there is a single mode of address which fits all orders and conditions of men. He would have borne himself alike to Queen Victoria and to a beggar-woman, and both would have found his address perfectly fitting. He was an excellent vote-getter. Some machine politicians disliked him, partly by reason of his merits, and partly,

perhaps, for that occasional want of political judgment which has been mentioned. More than once it was said that he would run badly for this or that reason, but the expectation was disappointed. He always ran well in Boston, and his personality was attractive alike to the Yankee and to the Celt.

This personal charm was of use to the Commonwealth. Often the appointing power does not easily find good men for public office; there is sometimes even greater difficulty in making them accept office when found. Two friends of mine of different age and temperament left me on two different occasions to go to the Governor that they might decline an office he had tendered. When next we met, each admitted, perhaps a bit sheepishly, that the office had been accepted. This faculty of the Governor became so well known that a man nominated by him for office perceived that he must accept it or flee the State.

After all, however, his greatest characteristic was goodness. Here I find it hard to speak the truth without seeming to exaggerate. That he was free from the grosser vices of public men is little, — from greed, cowardice, insincerity, and inordinate ambition. Indeed he was not sufficiently ambitious for a public man. He lacked that absorption in his chosen career which not improbably is needed for the highest success in any calling. From the petty faults of mankind he was remarkably free. When I think how many excellent men, industrious, honest, temperate, liberal, yet speak harshly of their neighbors, harbor thoughts ignoble and malicious, are passionate and impatient, I marvel at him. I never heard him speak to the disadvantage of another, except from a sense of duty, with evident pain, and with all the moderation the case admitted. Habitually he thought no evil. Doubtless he fell far short of the ideal he set for himself, but it must be remembered that in guiding his life he had no help from the unwavering certitude of fanaticism, and found his duty only after thought and doubt and much patience. How long his name will last we do not know. He discharged the duties of his great office worthily and to the general approval of the people of Massachusetts. That they hoped to employ him further about the public business is manifest. Indeed, he died when they were expecting from him service greater than any he had yet rendered. There have been, and there are to-day greater men in Massachusetts

than was he, though none to-day, and perhaps none at any time, have been so universally loved. He was connected with no great cause or measure. The importance of a man does not, however, depend altogether upon ability or direct public service. The indirect service of character is also important. We read of a country gentleman who died nearly four hundred years ago, — no genius, not a statesman, not even a great general, yet because he was faithful, sincere, brave, courteous, and kind, his example has been more potent and illustrious than that of abler men. The Chevalier Bayard is well remembered to-day, though the men who then governed Europe are almost forgotten, because in the eyes of the world he was a gentleman without fear and without reproach.

Mr. BARRETT WENDELL said: —

Moses Coit Tyler was elected a Corresponding Member of this Society at the February meeting in 1879. At that time he was professor of English Literature in the University of Michigan. Born in Connecticut in 1835, he had graduated at Yale in 1857; he had studied theology at Yale and at Andover; he had been a Congregational minister at Poughkeepsie, New York, from 1860 to 1862; and he had been appointed to his professorship in 1867. Apart from his professional work as a minister and as a scholar, and from a year's service as an editor of the "Christian Union," he had not been widely known before 1879. In that year appeared the first two volumes of his remarkable work concerning literature in America, entitled "A History of American Literature during the Colonial Period." These immediately assured him a place among the foremost American historians of his time. Eighteen years later, in 1897, appeared his scrupulously revised final edition of them, together with his two other volumes — "A Literary History of the American Revolution" — which have more than maintained the reputation assured by their predecessors. Meanwhile he had written the Life of Patrick Henry for the American Statesmen Series; and had published a short volume of essays chiefly concerning American writers of a period slightly subsequent to that covered in his greater work. His other numerous publications, all estimable, seem of minor importance.

His professorship in Michigan lasted until 1881, when he became professor of American History at Cornell, an office which he retained to the end. About the time of his appointment there, he became an Episcopalian; and in 1883 he was ordained to the Episcopal priesthood. He died at Ithaca, New York, on December 28, 1900.

It seems probable that only those who have been compelled in some degree to follow Professor Tyler's footsteps can begin to appreciate the faithful thoroughness of his historical work. Untiring in research, unfalteringly conscientious to the most minute detail, nor yet ever content until he had so mastered every phase of his subject that he could set forth his results with luminous amenity, he has left for those who follow him through the boundless aridities of our earlier literature only the comparatively agreeable task of generalization. Whatever he actually did was done so well that it need never be done again.

How far his unpublished work had proceeded is not yet generally known. Even if we have the unhappiness to discover, however, that the books now in our possession are all with which he shall have enriched our historical literature, we may fairly term his work memorable. Among the countless writers who have dealt with the American Revolution, for one thing, he is very noteworthy; for he possessed such self-control and such power of sympathy as enabled him to treat with whole-hearted justice the passionate honesty of both sides. Loyalists and Revolutionists alike, whatever their errors, he shows to have been equally noble in their heroic devotion to principle. If any single word may sum up the work of such an historian, it is the word "magnanimous."

We are so fortunate as to have with us to-day a member of this Society who enjoyed Professor Tyler's personal friendship. I have been able only to record a debt which no writer on the literature of America can too unreservedly acknowledge. Dr. Donald will tell us of the man, in his habit as he lived.

Rev. Dr. E. WINCHESTER DONALD added a few extemporaneous remarks with reference to the personal impression made on him by Dr. Tyler, and with reference to his methods of work.

Mr. CHARLES ELIOT NORTON read some passages from an

autobiographical narrative by Mr. William Ward, the father of the late Mr. Thomas Wren Ward, long the respected agent in Boston of Baring Brothers & Co., and Treasurer of Harvard College. It is hoped that the whole of this narrative, which forms a portion of a volume privately printed by our honored fellow-citizen Mr. Samuel Gray Ward, now resident in Washington, may appear in the Proceedings of the Society.

Mr. WINSLOW WARREN communicated an original letter from Thomas Jefferson to General James Breckenridge, describing the difficulties connected with planning and erecting the buildings for the University of Virginia.

MONTICELLO, July 8, 19.

DEAR SIR, — Proposing within a few days to set out for Bedford, I think it a duty previously to state to you the progress and prospect of things at the University. You may perhaps remember that almost in the moment of our separation at the last meeting one of our colleagues proposed a change of a part of the plan of the grounds, so as to place the gardens of the Professors adjacent to the rear of their pavilions. The first aspect of the proposition presented to me a difficulty, which I then thought insuperable, to wit, that of the approach of carriages, wood-carts, &c., to the back of the buildings. Mr. Cabell's desire, however, appeared so strong, and the object of it so proper, that, after separation, I undertook to examine & try whether it could not be accomplished; and was happy to find it practicable by a change which was approved by Gen^l Cocke, and since by Mr. Cabell who has been lately with me. I think it a real improvement, and the greater as by throwing the hotels and additional dormitories on a back street, it forms in fact the commencement of a regular town, capable of being enlarged to any extent which future circumstances may call for.

My colleague of the committee of superintendence proposed another change, to wit, that the hotels and dormitories should be united in massive buildings of 2 or 3 stories high, on the back street. Had my judgment concurred in this alteration, I should not have thought ourselves competent to it as a committee of superintendence. The separation of the students in different and unconnected rooms, by twos and threes, seems a fundamental of the plan. It was adopted by the first visitors of the central college, stated by them in their original report to the Governor as their patron, and by him laid before the legislature. It was approved and reported by the Commissioners of Rockfish Gap to the legislature. Of their opinion indeed we have no other evidence than their acting on it without directing a change. Not thinking there-

fore that the committee was competent to this change, I concurred in suspending the building of any hotel until the visitors should have an opportunity of considering the subject; and instead of building one or two hotels, as they had directed, we concluded to begin the eastern range of pavilions, all agreeing that the ranges on each side of the lawn should be finished as begun. We thought too that the Visitors would not disapprove of this departure from their instructions, as these pavilions can be used for hotels until wanting for the Professors.

We have adopted another measure, however, without their sanction, because it is in fact a fuller execution of the principles expressed and acted on at their meeting; and we are confident they would have adopted it had it then occurred. Their idea was to push the buildings to the extent of all the funds we could command. Altho' we had recieved the opinion of the Treasurer and literary board that we might command at any moment the whole donation for this year, yet it seems not to have occurred to any of us at the time that we might do the same the next year, and consequently draw it's 15,000 D. on the 1st day of January next. The thought occurring afterwards, we have not hesitated to act on it; & we are proceeding to have 3 pavilions erected on the eastern range, with their appurtenant dormitories, in addition to the 4 built, or to be built on the western range, so that we may have 7 pavilions, with their dormitories, in progress this year, to be finished the next.

Our principle being to employ the whole of our funds on the buildings, I thought it so important to be preparing subjects for the University by the time that should open, that I invited a Mr. Stack, a teacher of Latin & Greek of high recommendations, to come and set up a school in Charlottesville, on his own account. He has done so, and answers my best expectations, by a style of instruction, critical and solid beyond any example I have ever known in this State, or indeed in the U. S. He recieved his education at Trinity College, Dublin, & appears to be a correct, modest, and estimable man. He teaches French also; and to give an opportunity to the students of acquiring the habit of speaking that language, we have got Laporte and his family from the Calypasture to establish a boardinghouse where nothing but French being permitted to be spoken his boarders begin already to ask for all their wants in that language, and to learn the ordinary phrases of familiar conversation. Mr. Stack has as yet but 14 or 15 pupils and Laporte 9 boarders; but as soon as the present sessions in the schools of the State generally are ended and the youth liberated from their present engagements, we have reason to believe more will be offered than can be recieved; and in this way I think we may have 50 to 100 subjects fully prepared to attend the scientific professors the moment the University opens. I have recieved from London the offer of a Professor of

modern languages, of qualifications literary and moral so high as to merit our suffrage if we can get over the difficulty that French being the most important of the modern languages, Mr. Blatterman is not a native of France. Mr. Ticknor declines coming to us. I shall again try Mr. Bowditch, with some additional, but with not much final hope. We have the offer of a botanist of distinguished science, a Mr. Nuttall, but whether a native or not is not said. Dr Cooper, his wife and family have certainly and strongly set their minds towards us. The minerals of his collection have been selected, valued and packed to come on at the time prescribed.

I had begun to despair of our two Italian sculptors, and enquired therefore of a Mr. Cardelli from Washington whether such as could carve an Ionic or Corinthian capitel could be had from that place. He informed me that they could at 3 D. a day. Luckily the two Italians arrived some days ago, after a sea passage of 90 days. They will cost us, passage and board included, about 2 D. a day, and are men of quite superior character. I was just setting off for Bedford to stay there 2 months, but have deferred my departure till Mr. Brockenbrough can arrive here, in order to see them fixed and put under way, that the stone might be quarried and roughed out for them, so that they should be employed on difficult work only.

Our works have gone on miserably slow, not a brick is yet laid. They are now, however, prepared to begin laying the Western Pavilion No. 1. Our advertisement for workmen could not be put into the papers until after the meeting of the visitors at the close of March. The offers from the undertakers of our own State were from 25 to 40 p. c. on the Philadelphia printed prices. We at length got an offer from Philadelphia at 15 p. c. below the printed prices, & learnt the fact that when work abounds there the workmen are able to raise prices 10 or 15 p. c. above these, and when work is scarce the employers are able to beat them down to 10 or 15 below the printed prices, which, however, if continued soon breaks them. We did not think it either our duty or interest to break our workmen, and considering the printed as the fair living prices we agreed to give them. An undertaker came on to see the extent of the work we had to do. This brought our own people down to the same prices. So we assigned to them the completion of the Western range, and to the Philadelphians the Eastern. These, 20 in number, arrived at Richmond some days ago, and are expected here this day. We shall now have about 100 hands at work. I am in hopes the convenience of talking over and settling our business here at our leisure will be an inducement to you to make this your head quarters at our next meeting, in addition to the gratification it will be to me to have you here, and I salute you with great friendship & respect.

TH: JEFFERSON.

P. S. July 11. A vast embarrassment has this moment befallen us. Our two Italians examined our quarry yesterday, and pronounced it impossible to make of it an Ionic or Corinthian capitel, and they can work only in these ornamental parts, & not at all in plain work. I was never so nonplussed. They have cost us a great deal of money, & how to avoid it's becoming a loss, & how to get our work done, is the difficulty. I shall consult with Mr. Brockenbrough on it to-day & depart to-morrow.

POPLAR FOREST, July 16. I have brought my letter to this place, open for the insertion of a 2^d P. S. I left the Italians making trial whether our stone would stand the cutting the leaves of a Corinthian capitel. If it does not, they will go to work on the Ionic capitels for which it will answer, and we must get stone elsewhere for the Corinthian, of which order we have only 2 pavilions of 4 columns each, 4 pavilions Ionic, and 4 Doric. The Philadelphians had arrived at the University, & had [*torn*] to work.

General BRECKENRIDGE.

MR. CHARLES C. SMITH spoke in substance as follows:—

It will be remembered that at our November meeting I communicated from the Story Papers a large and interesting collection of letters from Chief Justice Marshall to Mr. Justice Story. This afternoon I desire to make a further communication of letters from the same source; and in printing them I will, as in the former case, add such explanatory notes as may seem desirable. The first collection comprises twenty letters from Daniel Webster to Mr. Justice Story, the earliest bearing date December 9, 1816, and the latest having been written in July, 1842, when the whole country was greatly excited over the case of Alexander McLeod. These letters are of the greater interest from the fact that in Mr. Fletcher Webster's Correspondence of his father there is no letter to Judge Story of a later date than August 11, 1830, and in Mr. W. W. Story's Life and Letters of his father, there is only one letter from Mr. Webster. That letter is without date, but was written in 1837.

To these is added a letter from Judge Story to Mr. Webster written shortly after the first election of the latter to the United States Senate. The letters, now printed for the first time, show how close and long continued was the intimacy between these two eminent men.

Besides the Webster letters I desire also to communicate ten letters from Chancellor Kent to Judge Story, covering the period from August, 1819, to June, 1845, and a letter to Mr. William W. Story, written after his father's death, together with four short letters from Mr. Justice Story to Chancellor Kent, which seem worthy of preservation in our Proceedings.

WASHINGTON, Decr. 9, 1816.

DEAR SIR, — The Bill you did me the favor to enclose to me I have laid before the Judiciary Com^{ee}, & they will probably report it, unless they should incorporate its provisions into a gen^l Bill. It is possible that the urgent necessity of the case, & the recommendation of the Presid^t together, may induce Congress to act on the subject of the Judiciary. If any alterations in the Bill reported last year have occurred to you, I would be greatly obliged to you if you would suggest them.¹

The Committee will report a Bankruptcy Bill in a few days, & some of us are determined to bring the House to act upon it one way or the other. If the Bill should pass at all, I fancy it will not pass before the first of February; but I should nevertheless thank you to forward me any suggestions that may occur to you for altering any part of the Bill as reported last year.² My own notion is, to limit as far as may be the description of persons liable to the Act, so as to shut out shoemakers, tailors & other artificers, & to confine the Bill to such as are really & substantially merchants & traders. If, however, the Bill should find more friends, by being more general, I w^d not object to giving it that shape.

You observe the President's recommendation for a new organization of the Courts. I presume he intends something like the old circuit system. I have asked several gentlemen of the Republican side if they intend to act on this part of the message & revive the old law. They shake their heads, & say, "Spare us! spare us!" In truth, I believe a little more confidence among the members, &, if you will allow me to say so, a little larger & more liberal policy in the Executive would even now effect this very desirable object. On the one part, no false pride should prevent a recurrence to a system once repudiated; & on the other, there should be no reproach for having once abolished an institution now admitted to be useful. And when it is considered that for fifteen years executive appointments, at least in New England, have, with no one exception, as far as I know, been confined within certain known limits, it is very natural, & perhaps not very unreasonable, that when our folks are called on to vote for the creation of new & impor-

¹ See Story's "Life and Letters of Joseph Story," vol. i. pp. 293 *et seq.*

² See *ibid.*, vol. i. pp. 271, 272.

tant judicial offices there should be an understanding that the appointments should be made on liberal principles. I agree that it is very difficult to bring all this about; but I am nevertheless fully of opinion that nothing of great utility to the country can be effected without some such conciliation of sentiments & feelings. For my part, my dear Sir, I am very glad to find myself so near the close of the short period of my public engagements. And tho' I would willingly fill up the little remnant with some effort for the general good I shall see the sun go down on the third of March with unusual cheerfulness.¹

Pardon me for so long a letter, & believe me to be with great regard,

Yrs.

D. WEBSTER.

Hon'ble Joseph Story. Salem.

Boston, Thursday Eve. [March —, 1819.]

MY DEAR SIR, — We have been looking for you for two or three days; but on sending to the marshall's to-day, he sent me word you were at home *unwell*. So I have been considering whether I ought not to write you to tell you how glad we should be [to] see you here, if you should find it convenient to come up. I send you a few English newspapers which may amuse you. Ch. Baron Richards, it seems, is appointed by letters patent Prolocutor of the House of Lords during the absence of the Ld. Chancellor from indisposition.² Perhaps this shows who is to be Ld. Eldon's successor.

I have no new law books; Wells & Lilley expect some by an early arrival.

One of the things I wish to see you most about relates to our College book.³ Arrangements are made to print it in Exeter. Judge Smith will see to the N. H. case; the proofs of the opinions of the Judges will be sent to you, & of the rest of the Washington case probably to me. At any rate you are to see the proofs of the Opinions. Lest the book should not get on fast enough for Wheaton, I intend to have the opinions copied immediately. But before they are copied, I wish to go over the Chief's & Judge W's *with you*, & to see that every word & letter be right. On this account I wish to see you for *two hours* soon. If you cannot come up, I must go to Salem, which is not quite conven-

¹ Mr. Webster was a member of the House of Representatives, from New Hampshire, from 1813 to 1817. He removed to Boston in the summer of 1816.

² Sir Richard Richards, Lord Chief Baron of the Exchequer, was appointed Speaker of the House of Lords, Jan. 8, 1819.

³ The reference is to Timothy Farrar's "Report of the Case of the Trustees of Dartmouth College against William H. Woodward." The "Advertisement" prefixed to the volume is dated August, 1819, but curiously enough the title-page is without date.

ient, as Judge Jackson¹ is holding our N. P. court at this time. Pray let me hear from you.

Yrs. as ever.

D. WEBSTER.

P. S. The opinion in the Bank cause is universally praised. Indeed, I think it admirable.² Great things have been done this session. I send a N. York paper, in which you will see what Judge Todd has been about, if you have not seen it before.

Hon. Joseph Story. Salem, Mass.

Boston, April 5, 1822.

MY DEAR SIR, — I will be greatly obliged to you to send up an *Order* appointing William Minot, Esq^r, & William P. Mason, Esq^r, Commissioners to take depositions in all cases in the Circuit Court, according to the rules of court provided for such cases. If you wish it, I will show the order to Judge Davis for his approbation, before I get the Clerk to record it. I am now ready to go to work on my *Memorials* & this is a measure of previous necessity.

We are in great confusion here about Mayor.³ Mr. Quincy has set up as a candidate, & is supported by the Democrats, the wooden builders, & the middling interests. At a large meeting last evening called a Federal Caucus, 170 votes were given for Quincy & 175 for Otis. Some of Q's friends said the majority was so small they should not feel bound by the vote! It is therefore probable he will still be supported, & if so all the Democrats will vote for him, & he will be chosen. I think Mr. Otis' friends will withdraw his name from the unworthy controversy.

A man of forty is a fool to wonder at any thing, & yet one is in danger of committing this folly when he sees Mr. Quincy the very darling of Boston Democracy.

Nil admirari.

Yrs.

D. W.

Hon. Joseph Story. Salem.

Boston, Saturday noon. [April 6, 1822.]

MY DEAR SIR, — Judge Davis has signed or assented to the order, & it is handed to the Clerk. I did not expect or wish it to be exclusive

¹ Charles Jackson (born May 31, 1775; died Dec. 13, 1855) was at this time one of the Judges of the Supreme Court of Massachusetts.

² See letters from Chief Justice Marshall to Mr. Justice Story, *ante*, pp. 324, 325.

³ This was the first election for mayor of Boston. Both Harrison Gray Otis and Josiah Quincy were warmly supported for the office; but at the first trial, April 8, neither had a majority, and both withdrew from the contest. At the next trial, April 16, John Phillips was elected the first mayor. See *Memorial History of Boston*, vol. iii. p. 224; *Quincy's Municipal History*, p. 41.

of any other appointment ; & if any other appointment should be made have no objection to give to any other person thus appointed a portion of the business in which I am concerned.

Mr. Prescott is engaged with the College on Tuesday.¹ He has promised to dine with me on Wednesday, & I hope you will find that day agreeable to you. Pray come up on Wednesday, because I want more of you than I shall get if you dine with me the day you go home. Mrs. S. & Mrs. W. will not have half time enough to talk !

We are in a deplorable state here. Nothing seems practicable but to go forward & support Mr. O., & probably be *beaten*. Mr. Q. has opposed the City from the beginning ! He now wraps himself up in mystery & importance. None of his old friends can get *audience* with him, tho' I have no doubt a very active communication exists between him & a certain other quarter.

There will be a *vigorous* effort made for Mr. O., let the event be what it will.

Yrs.

D. W.

Honble. Judge Story. Salem.

DORCHESTER, Friday morning. [September —, 1822.]

DEAR SIR, — I rec^d your letter desiring me to be ready to render professional assistance, if it should be necessary, to L^t Story, with which I shall most readily comply. I also wrote a note expressive of your wish to Mr. Prescott. For two or three days I have not been much in town, not having been very well & being willing to sit down a while without the sight of a client. I find I am growing rusty in general knowledge, & unless I can find or make some leisure from my office, I shall shortly be neither more nor less than an *attorney*.

I send you two or three English newspapers which contain the conversations in H. C. on the subject of Piracy. You will see among other things that the Admiralty has gone pretty far in instructions to search suspicious vessels.

I learn that Spencer Roane is dead.² I should not be surprised if P. P. Barbour should be appointed to the vacant place. I have understood his ultimate object is to be a Judge, & his notions on some leading topics are very likely to recommend him to the Virginia Assembly. In addition to which it would seem probable that Mr. Clay may be a dangerous rival for the chair in the next Congress.

Mr. Tazewell left here on Tuesday. He was very desirous to go to Salem, if time would have allowed, & very much obliged to you for your kindness in inviting him.

¹ Judge William Prescott was one of the Fellows of Harvard College from 1820 to 1826.

² He died at Sharon Springs, Virginia, Sept. 4, 1822.

Mrs. W. desires me to give great love to Mrs. Story. She was much disappointed in not seeing her when your Court sat last. Our hopes now repose on the Oct. Term.

Such a day as we had at Phillips! I shall be afraid ever to go again, lest it should be a great falling off.

Yrs truly.

D. WEBSTER.

To the Honble Joseph Story. Salem.

Boston, Dec^r 18, 1822.

DEAR SIR, — I meant to have written you earlier, to let you & Mrs. S. know that we got well home, & found all well. What of my dissipation at Salem & other smaller causes, I have had a return of my cold, but not so as to keep me in doors. Mrs. W. thinks she passed a delightful week at Salem & I do not differ with [her?] on that point.

The laughter-moving Mathews will no doubt be here this week, & probably the first or middle of next will be a good time for Mrs. S. & yourself to come & see him. We shall give you farther notice, & hold you to the spirit & letter of the contract, "We four & no more."

Mr. Shaw having *at length* sent you his argument, I suppose you will soon be able to send up an opinion in Barrett v. Goddard.¹ There are reasons, *mihi pertinentes*, which lead me to wish an early judgment in that case. If you will enclose your communication to the Clerk to me, I will present it.

I took the liberty, my dear Sir, to ask your attention to the concluding part of your opinion in Tappan's case.² I think a little more full exposition of the reasons which prevent the application of some of the principles decided to that case would be useful. The merchants are hard pressed to understand why there should be so much good law on one side, & the decision on the other. The opinion has not yet been printed, & altho' it is now better understood, yet when I came home from Salem I found as great a diversity of opinion as to *which way* the cause was decided as ever there was about the *place* or *manner* in which Sir Peter Teazle was wounded.

We shall be very glad to hear from you, & to learn that Mrs. S. is quite well of her cold.

Yours most truly.

D. WEBSTER.

The good creature, I. P. D., has put a cask of excellent wine at 4.25 per gallon into Mr. Blake's cellar for I. S., I. P. D., G. B. & D. W. in

¹ Mr. Webster was not of counsel in this case, which was argued in October, 1822. (See 3 Mason's Reports, 107-116.)

² John Tappan in Error v. United States (2 Mason's Reports, 393-407). It was argued at the May term, 1822, and was decided against the appellant. Phillips and Webster were his counsel.

equal quarter parts.¹ He has also, I believe, a couple of dozen for you which is old & excellent.

To the Hon'ble Joseph Story, Associate Jus. Sup. Court of U. States. Salem, Massa^{ts}.

WASHINGTON, Ap. 6 [1823.]

DEAR SIR, — I was happy to learn from Mrs. W. that you had been heard of, passing thro' Boston, & trust you found all safe & well at home. After two long journeys & a long court, it must be quite agreeable to you to sit down a little time for rest & repose. I expect to follow your footsteps in a week or ten days, if my affairs get on as fast as I now hope.

You will naturally be anxious to know whether any thing is done here as yet in relation to the appointment of your associate upon the Bench.² No appointment has been made. Mr. Thompson will be appointed if he chuses to take the office, but he has not made up his mind, as I understand, as yet so to do. If called on *now* to decide, it is said he will *decline*. I cannot account for his hesitation but on a supposition, which I have heard suggested, but cannot credit, that he thinks it *possible* events may throw another & a higher office in his way.

When a man finds himself in a situation he hardly ever dreamed of, he is apt to take it for granted that he is a favorite of fortune, & to presume that his blind patroness may have yet greater things in reserve for him.

In the event of his finally declining, those now talked of as prominent candidates are, J. Kent & *Ambrose Spencer*. If a nomination were now to be made, I think it would be the former of these two names, altho' *there are* who wish to give a decided rebuke to the Buck-tails of N. York³ by appointing Mr. Spencer. What time may produce no one can say. Mr. Tazewell & some others have mentioned Mr. Macon's name to the Executive. *If he lived in the circuit, I verily believe he would at this peculiar moment be appointed.* There are *two* of the President's advisers who would, I think, give him a decided preference, if locality could be safely disregarded.

On the whole, my expectation is that the appointment will be delayed, & that, in the end, Mr. Thompson will take it.

¹ Three of the four persons indicated by these initials were Isaac P. Davis, George Blake, and Daniel Webster. Isaac P. Davis (born Oct. 7, 1771; died Jan. 13, 1855) was a very intimate friend of Mr. Webster, and to him the second volume of Mr. Webster's Works was dedicated. George Blake (born March 2, 1769; died Oct. 6, 1841) was at this time United States District Attorney.

² To fill the vacancy occasioned by the death of Mr. Justice Livingston. See *ante*, p. 333 n.

³ The popular designation of the political party in New York which was opposed to DeWitt Clinton and the system of internal improvements. See Hammond's Political History of New York, vol. i. pp. 450, 451.

We have nothing here, I believe, interesting, except the recent news from Europe. Opinion here seems to be that England must, sooner or later, take the part of Spain, if France should not crush her at the first blow, of which I see no great probability, judging by the tardy movement of her army. It was not so under Buonaparte's reign.

I am in some trouble in relation to the case of *Williams vs. Reid* in the Maine Circuit Court. It will not be possible for me to get [home] in season to be there, especially as the Court is brought forward a week. I have written to Mr. Williams to that effect, & he & Mr. Greenleaf must manage as well as they can.

David B. Ogden is here, having been home & returned. Almost every body else is gone. I am thro' all laborious duty here for the present & am only waiting the decision of my cases. Give my love to Mrs. S. & yr. children.

Yours always.

D. WEBSTER.

Honble Joseph Story. Salem.

Boston, Saturday Morning [Nov. 19, 1825.]

DEAR SIR, — I regret not to have seen you, altho' I have nothing very particular to communicate. I should feel greatly obliged to you if in the multitude of your concerns you could find time to make a dft. of a Bankrupt Law. I am pledged to do something on that subject & mean to bring it forward early in the session. The fewer the *words* in which the bill can be drawn the better. As far as convenient please place *references* in margin.

If any thing occurs to you on the subject of the re-organization of the Courts, please let me hear from you fully; and on all subjects, my dear Sir, the oftener & the more at large you write me, the more I shall feel obliged. Pray give my parting respects to Mrs. Story. I go at 1 o'clock.

Yours always mo. truly.

DAN^t WEBSTER.

Honble. Joseph Story. Salem.

Boston, April 16, [1827.]

DEAR SIR, — Will you have the goodness to give me *one hour* of your valuable life. Let it be devoted to furnishing me with hints & authorities to the following point, viz.

That a right to navigate the upper part of a river (say the St Lawrence) draws after it a right to go to the ocean.

Whatever you *think* or find on this matter let me know by Wednesday or Thursday.

Yr. troublesome friend.

D. WEBSTER.

How do you like the English mission? ¹

¹ Albert Gallatin was Envoy Extraordinary and Minister Plenipotentiary from the United States to Great Britain from May, 1826, to October, 1827.

Hon. Joseph Story. Salem.

[BOSTON, SEPT. 5, 1829.]

MY DEAR SIR, — I find it quite impossible to recal the recollection of my observations. I spoke without preparation & without notes, & if I were now to undertake to write off any thing it would be just as likely to be what I did not, as what I did, say. Besides, "enough is as good as a feast." The provision for the day was *with you*, & you did your duty. While the sun shines we need no little twinklers in the skies. Your discourse was the intellectual feast of the occasion. The rest was talk, talk; and at least my part of it may as well be forgotten as not. At any rate I cannot recal it. "I remember a mass of things, but nothing distinctly; a *speech* but nothing wherefore."

The Daily of this morning speaks the exact *feeling* which we all brought away of your admirable discourse.¹

Sic itur ad astra.

Yrs. always faithfully.

D. WEBSTER.

WASHINGTON, April 10, [1830.]

MY DEAR SIR, — I send you an Ohio paper, that you may see how these rough sons of the West abuse the sacred Bench as well as the not-to-be-cared-for Bar.

You do not know what trouble we were in he[re]about, having learned that you ran into the storm on the Sound. Now, however, that we learn you got well thro' it, we are vexed with ourselves for having felt anxiety on the subject, since you have not taken the trouble to tell us whether you were dead or alive. How you will settle this omission with a certain person is more than I can tell.

I have not been in the Senate for a week, having been kept at home by a most severe cold. I thought often of the *precedent* of *your* case. To-day I feel much better, & hope & expect to be in the Capitol on Monday. Little has been done for ten days, but to talk about Indians. Mr. Frelinghuysen² has made, it is said, a very able speech, tho' not so immediately impressive as it might have been, had he had, or used, less documentary material. There is nothing like *laying down the law* right off & strait forward. However, Mr. F's object required him to take a survey of our history on Indian affairs, & he is understood to have done it very ably.

¹ The reference is to a complimentary dinner given to Judge Story at Salem Sept. 3, 1829, on occasion of his removal to Cambridge. Mr. Webster was one of the speakers at the dinner. A week before he had presided at a dinner at Porter's Hotel, after the delivery of Judge Story's inaugural address as Dane Professor of Law in Harvard University.

² Theodore Frelinghuysen, a Senator from New Jersey from 1829 to 1835. His speech occupied parts of three days in delivery.

Monday we shall probably take up the *printers*.¹ Their fate is as uncertain as ever.

I am, my dear Sir, exceedingly *homesick*. I shall even *try* to get away if possible before the adjournment, but know not whether I shall be able. I write to those with whom I am connected in suits in the Circuit Court, that unless it shall be found convenient to continue, I will stipulate to attend the trials, if we can fix on an adjourned session for abt the 20th June, say soon after yr. return from R. I.

Things continue in a great state of *uncertainty* here. There is no *principle* of cohesion, & all this attempt to bring Richard into the field again is only that there may be a *name* under which all can rally. There is no *thing*, nor system of things, which all can agree to.

With my best regards to Mrs. Story & Mrs. Webster's respects to her & to yourself,

I am, always truly,

DAN^L WEBSTER.

Hon. Jos. STORY.

Hon. Joseph Story, Cambridge, Mass.

Friday Mor'g, SALEM, [Aug. 6, 1830.]

DEAR SIR, — If we prove F. Knapp a *conspirator* in the plan of the murder, as one who was deeply concerned in it, & *it does not appear that any accessory part was assigned to him*, such as to pay, procure weapons, or other like thing, and the murder is found to have been committed by the conspirators, or some of them, but no direct proof who was or who was not present, is not F. Knapp to be deemed a *principal*, unless *he* can prove himself so remote from the locus in quo as to show him an accessory only? Suppose two men are overheard to propose to kill a third by poison, — they go together to a shop to buy arsenic, — the man is found poisoned, & with arsenic, & killed; are not both *necessarily* to be regarded as principals, unless one can prove that the other actually administered the poison, *he* being not present.²

¹ An examination of the Senate Journals fails to show that the case of the "printers" came up as Mr. Webster anticipated that it would. The reference is probably to the proposed publication, by Gales & Seaton, of "a compilation of public documents." Jan. 29, 1830, the Senate passed a resolution authorizing a subscription to the work. Feb. 1, a resolution was introduced, and referred to the Committee on the Library, postponing the subscription; and on Feb. 23 the Committee reported in favor of rescinding the resolution of Jan. 29. Action on this report was postponed from time to time; but finally, May 17, it was voted, 24 to 21, to repeal the resolution. In the following year an Act of Congress was passed, authorizing a subscription to the "compilation of Congressional Documents proposed to be published by Gales & Seaton," under the authority of which their well-known collection of "American State Papers" was prepared and printed. Mr. Webster was much interested in the publication of these documents.

² John Francis Knapp was convicted as a principal, and his brother, Joseph J. Knapp, Jr., as an accessory. Both were executed.

I pray you collect your thoughts on this point, look to the cases, if convenient, & I will send to you, or more probably see you, on Sunday.

I have not found a letter from you here, tho' I have daily applied at the P. Office. But we have got along on the point suggested to you the other day very well.

Yrs.

D. WEBSTER.

Hon. Joseph Story. Cambridge.

Boston, Sept. 18, 1830.

MY DEAR SIR, — From the accounts which I have rec^d of the state of your health, I have supposed it hardly probable you would go to Wiscassett. I am a little interested to know how this may be, as Mr. Gray desires me to go down for a cause in which his family is interested, & I should not think of going unless you are to be there. My sincere advice to you, my dear Sir, is *not to go*. The weather is cold, & you may in some degree expose yourself, even with the utmost care. Your health is every thing to yourself, your friends, & the public; & all things else must yield to it. You must allow me to repeat what I have said to you *ore tenus*, that I have felt great concern about you ever since I saw what degree of labor you was bestowing on this Law School. There is a limit to what the strongest can do. I pray you be persuaded to *diminish your labors*. I beg this of you out of the depths of my regard & affection. *For all our sakes spare yourself*.

Mr. Kinsman will bring back information from you ab^t your attending the Maine circuit. If you are not perfectly well do not go. It is of no consequence that you was not at Portland in May. All pressing business was done then, & will be done now, without you.

I am, dear Sir, with the utmost attachment,

Yrs.

D. WEBSTER.

Saturday Mor'g, July 21, [1832.] Boston.

MY DEAR SIR, — I came to town last eve', & go off this morning at 8 o'clock, to Marshfield. I shall stay there some days, & intend during that period to correct the notes of my speech on the Veto message.¹ You have seen that message. My wish is to give a full answer to its *trash* on the Constitutional question. That is Taney's work. The argument, you perceive is, that *some* powers of the Bank are not *necessary*, & so not Constitutional. Now, my dear Sir, the object of this is to request you to turn to the message, read this part of it, & give me in a letter of three pages a close & conclusive confutation, in your way, of all its nonsense in this particular. It will take you less than half an

¹ Speech delivered in the Senate of the United States, July 11, 1832. See Works of Daniel Webster, vol. iii. pp. 416-447.

hour. Pray direct it to me at *Marshfield*, & let me have it, if possible, in two or three days. If you could get it into the Boston P. Office by 4 o'clock, Monday P. M., in that case I shall receive it on Tuesday, which will be in season.

When I come to town, I shall come & see you. I have been unwell for three weeks, quite run down. I am going to the seacoast for the purpose of recruiting.

Yrs. always.

DAN^L WEBSTER.

Hon. Joseph Story. Cambridge, Mass.

PHILADELPHIA, Decr. 27, 1832.

D^R SIR, — I learn that Judge Baldwin has recently manifested an *alienation of mind*. He is now under the hands of medical men, & confined to his own house. It is said to be a decided case.¹

I believe I have found out the authorship of the Proclamation. It is the work, I have no doubt, of Mr. Trist, a clerk in the Depart^t of State, grandson in law of Mr. Jefferson. He never occurred to me till his name was mentioned; but I have no doubt it is so, as I know him well, & know him to be both sound & able on that point. The discussion of 1830 led to an acquaintance with him which has since con^d. He has written other very good things. Don't state this on my authority.² Mr. Clay is yet here. I go on to-morrow.

Yrs.

D. WEBSTER.

Judge STORY.

WASHINGTON, May 12, 1838.

D^R SIR, — Help me to make a speech. I wish to say something on this N. E. Boundary; & I desire to be able to resist, in limine, both on English & American authorities, one of the principal preliminary grounds taken by the English diplomatists. They say,

That in 1783 the relative position of the two countries was this, "the mother country treating with colonies not yet recognized, and the object in view was, not to designate the limits of the territories reserved to the mother country as [but?] to assign an appropriate boundary to the new power."

They draw important inferences from these premises.

Now, what I wish is, to show that the American Revolution was a division of empire, & is to be [so?] regarded.

¹ See *ante*, p. 354.

² It is now generally understood that the proclamation was written by Edward Livingston. See Mr. Everett's Biographical Memoir in Works of Daniel Webster, vol. i. p. cv.

You have the cases, English & American, which establish this. Please refer me to them. I must have an answer to this in 8 days to be of any use.¹

Yrs.

D. WEBSTER.

Private.

WASHINGTON, Mar. 17, [1842.]

DEAR SIR, — You will have read the debate in the House of Lords on the Creole subject, and see that the learned Lords who spoke on that occasion have quite missed the point. We have not considered as fugitives from justice either the slaves who were concerned in the mutiny or those who were not, and therefore have made no demand for the delivery up of either. I look upon it that the British government should have delivered the mutineers to the American consul to be sent home. I did not choose to demand it because I did not wish by making such a demand to weaken our claim for compensation for the rest of the slaves. I now desire to make a strong case against England on the subject of procuring indemnification for the pirates and murderers. I want to know

First, whether the law of nations does not make a difference between the case of ordinary fugitives from justice and the case of persons committing offences on the high seas.

Second, what cases you recollect of sending home persons of the last description for trial, and particularly what you remember of the case of the Plattsburg.

Yrs. truly.

DAN^L WEBSTER.²

Judge STORY.

Private & Confidential.

WASHINGTON, April 9, 1842.

MY DEAR SIR, — I am truly obliged to you for your very satisfactory letter of the 25 of March. The rules of law stated in it are unquestionably stated with great correctness. Lord A. has shown me *confidentially* the reports of the law officers of the Crown (Dodson, Pollock, & Follett) on the case of the Creole. Their opinions do not differ from any thing stated in your letter.

I am in the midst of things, and have need not only of all my own wits, but of the assistance of friends competent to give efficient aid. You can do more for me than all the rest of the world, because you can give me the lights I most want; & if you furnish them I shall be

¹ The speech which Mr. Webster proposed to make was delivered in the Senate June 14, 1838. Apparently it was not reported; and the only reference to it in the Congressional Globe is as follows: "Mr. Webster spoke at large on the subject, chiefly with a view to show that the line designated by the treaty of 1783 was well defined, and easily and readily to be found."

² The body of this letter, beginning with the words "Dear Sir," and ending with "Plattsburg," is in the handwriting of a clerk or secretary.

confident they will be true lights. I shall trouble you greatly the next three months. For the present I have to ask that you send me a draft of two articles.

- 1st. A stipulation prescribing the manner in which vessels of one party driven by stress of weather, or carried by violence ag^t the will of her master & owners, into the possessions of the other, shall be treated. I think you may put in something to this effect, viz., "shall be suffered to refit, repair damage, & proceed on her voyage, without inquiring into the condition or character of things or persons on board, & to receive all such documents or certificates as may be necessary in order to enable her to prosecute her voyage."
2. A proper article for the *extradition* of criminals. This should be comprehensive enough to embrace the Canada cases as well as others.

I can say nothing except that I am at work. This second Hogan case is horribly unfortunate.

I hope I may hear from you at your earliest convenience.

Yrs.

D. WEBSTER.

Judge STORY.

D^r SIR, — The "Plattsburg" case which I mentioned was the case of Mr. McKim's schooner. The pirates were tried before you & hand.¹ — Danes, Sweeds, &c. The proceedings of the Gov^t in that case show the different practices of nations on *extradition*. You will find all collected in Doc. 199 H. of R. 26 Con. 1st session. Report from Sec. State, May 9, 1840.

WASHINGTON, April 25, 1842.

MY DEAR SIR, — I thank you cordially for your letter & its accompaniments. They are of great use to me, & in exact season.

I hope to be in Boston the 2^d or 3^d of May. If you shall not be detained too long in Portland, I hope to see you before I return. I need a whole morn'g with you. Things look well in some respects; but in others I see great difficulties. Much will depend on Congress passing the two bills before them in season.² Lord Ashburton is quite

¹ John Williams, Francis Frederick, John P. Rog, Nils Peterson, and Nathaniel White were tried for murder on the high seas before the Circuit Court, at Boston, Dec. 28, 1818. White was acquitted; but the other four were convicted and were hung on Boston Neck early in the following year.

² A bill designed to remedy an existing defect in the law by extending the powers of the United States Courts to criminal cases arising in the States, was introduced in the Senate in April, and became a law in the following August. Among other things it gave to the United States judges power to grant a writ of habeas corpus to any person who claimed to act under the authority of a foreign state or sovereignty. The act as passed is printed in the Works of Daniel Webster, vol. vi. pp. 267, 268.

well disposed, & altogether master of the subjects committed to his care. I know not how we shall come out.

Yrs.

D. WEBSTER.

Private.

July 16, [1842.]

D^R SIR, — Cowan's opinion you will have read.¹ It is hollow, false, & almost dishonest from beginning to end. The cause will now go to trial, & as there is little doubt M^cLeod will be *acquitted*. The evidence is said to be clear that he was not engaged in the expedition *at all*.

The question of law, therefore, will not go further in all probability ; for the sake of truth, however, & national character, this opinion must be *reviewed*, & dealt with as its demerits deserve. *Nobody but yourself can do this*. You must, therefore, laying aside all other things, give a day or two to the subject. This is indispensable.² Send me the matter which you put together, & I will see it come forth in some semi-official manner ; & I pray you let me have it within ten days. I will see that the speeches made on the subject in the Senate & House of Representatives (such as are good for any thing) be sent you to-morrow.

Yrs. truly ;

DAN^L WEBSTER.

Judge STORY.

To the Hon'ble Daniel Webster. Boston, Mass^a.

SALEM, June 10, 1827.

MY DEAR SIR, — I congratulate you with all my heart on the recent election of you as Senator. The vote is truly honorable to both Houses, & under all the circ^s a proud triumph of Massachusetts & national feelings over the Discontents of all sorts. But I can truly say I congratulate the country more than I do yourself, for I am by no means sure that your personal ease or influence will or can be inhianced by this elevation, though it speaks as the voice of the State. So far, however, as it speaks that voice it is most important. Have you seen Oakley ?³ How is he ? How is New York ? If the *national* men do not now lay in N. Eng^d a broad ground for a union among the best of

¹ The opinion of Esek Cowen, one of the Judges of the Supreme Court of New York, denying the application of Alexander McLeod for a writ of habeas corpus. The case is reported at great length in 25 Wendell's Reports.

² Mr. Justice Story did not review this opinion ; but the work was done very thoroughly by David B. Tallmadge, formerly one of the New York Judges. The review is printed in 26 Wendell's Reports, 663-706.

³ Thomas J. Oakley, an eminent jurist of New York (born in 1783, died in 1857). He served in the State legislature and also in the United States House of Representatives, from which he resigned in 1828, to become a Judge of the Supreme Court of New York City.

all the old parties, it will be because there is a contagious madness. Never was there a more golden opportunity.

I am sorry to say that it is impossible for M^{rs} Story to leave home. Ever since Tuesday last our youngest child has been quite ill of a fever. She now seems a little convalescent; but we have been obliged to devote ourselves all night and all day to her & to my poor sick sister, Mrs. White. The latter is now in the last stage of life. I think she cannot live a week. She may not live for a day. Indeed, for the three last days she has been expected to quit us hourly.¹ From our own sick house & hers we have been exceedingly distressed.

I intend to go to Rhode Is^d, if possible. Unless M^{rs} W. dies in the mean time I shall be able to go. If otherwise I shall write Judge Pitman to adjourn the Court for a week or two, when I can attend. He may try all the causes if he pleases.

I shall write you again on Wednesday. My rest has been so much broken that I have not time to say more.

God bless you.

Your affectionate friend,

JOSEPH STORY.

The Hon^{ble} DAN^L WEBSTER.

Honble. Joseph Story. Salem. D. Webster, Esq.

ALBANY, August 3^d, 1819.

DEAR SIR, — Though I have had the pleasure of only a moment's personal interview with you, yet I am so familiar with your productions that you appear to me like an old acquaintance. It is needless for me to assure you of the deep impression I have received of your eminent professional talents & learning & of the high respect & esteem which I feel for your character. Our friend Mr. Webster has favored me with a short & flattering visit, & I hope to see you & him together in some future time. He will mention to you the reasons which weigh with me against giving a review of the Dartmouth Question, & I have no doubt you will be perfectly satisfied. I expect the doctrine involved in that case will shortly be brought before our Court of Errors, when I may be obliged to discuss the subject not as a mere *dramatis persona*. I allude to this case because Mr. Channing communicated to me your wishes, which would be a law to me whenever I was at liberty to indulge my disposition.² We have all been charmed with the frankness & simplicity of character of our excellent friend Mr. W.

¹ Mrs. Stephen White (Harriet Story) died June 19, 1827. Her husband was a nephew of Capt. Joseph White, for whose murder the two Knapps were executed. (See *ante*, p. 407 n.) Another sister of Judge Story (Eliza) married Joseph White, an elder brother of Stephen.

² Rev. William Ellery Channing was in New York in the preceding May, on his return from Baltimore, where he had preached the sermon at the ordination of Jared Sparks.

May you long enjoy your health for your own happiness & the welfare & honor of our country is the sincere wish of

Your friend & most obt. sevt.

JAMES KENT.

Honble. J. STORY.

Honble. Joseph Story. Salem (Massachusetts.)

NEW YORK, December 18, 1824.

MY DEAR SIR,—I sent a day or two ago by the mail addressed to you the summary of the first 20 lectures of my present or 2^d course. I know you are so kind as to take some interest in my pursuits, & this emboldened me to trouble you with such an uninteresting paper. I have arrived in the course of my lectures to the 13th of those sent. I deliver two a week, & shall go on & soon embrace the ground covered by my labors of last year, relative to personal & commercial rights & the doctrine of real property. These lectures & counsel business press very severely upon my time, & quite as much so as the duties of the office I last left.¹ But I exercise a good deal & keep my health, & preserve my spirits & chearfulness & my attachment for my friends, & when any of these friends combine exalted talent & profound learning & liberal feeling & ardent pursuit & splendid character my admiration is no less active than my friendship.

You need not be apprehensive that the topics I am discussing will lead to commence a crusading war upon your judicial opinions. The 20 lectures contained in the syllabus have led me to review & study all your great opinions on national & constitutional questions, & I almost uniformly agree with you. Thus, in the 12th lecture just delivered I doubted a little of the equity of the doctrine of priority of U. S. as a creditor to the extent carried, but I paid just homage to the argument of Hamilton & of the Ch. J. in favor of the right to institute a bank, & I was astonished at the folly of the court in Virginia in objecting to the validity of the carriage tax, & I agreed with you most entirely & against the Court in 5th Wheaton, 1, & in every case in which due opportunity offers, *I speak of you & of your Court* as you could desire in the height of your ambition. I shall find some fault with the steam boat case, but most decorously, & I shall blame my successor a good deal for the inconsistency & stupidity of his decree.

I insist upon it when you pass through that you dine with me, & I now engage you at all events for the *very first* day you & I are at leisure, when you are in town, & our friend Johnson shall be of the party.

Your affecte. friend & obt. sert.

JAMES KENT.

Hon. JOSEPH STORY.

¹ Chancellor Kent retired from the office of Chancellor of New York in 1823.

Honorable Joseph Story. Salem (Massachusetts.)

NEW YORK, Jan^y 17, 1825.

DEAR SIR, — I have accompanied this letter with an inclosure containing the *continuation* of my course of lectures, & that continuation embraces the contents of those delivered to you last year in an enlarged & corrected form. I shall reach lecture 21 on Friday next, & I do assure you that I have with great labor & pains compiled since the first of October last the first 20 lectures on the *law of nations* & the *constitutional jurisprudence of the U. States*. They would fill a large volume of 700 pages, & though I say it who should not say it I have examined & collected with accuracy every leading principle of any moment under each of these vast, grand & comprehensive titles. I have met & have endeavored to do justice to your numerous & admirable decisions under each of these heads, & though I do not concur with all that has been said & done, yet take the decisions in Cranch & Wheaton together, there is not a man in this country that is better disposed to render the just tribute of veneration to the cultivated & enlightened jurisprudence of the nation. I am a zealous & devoted admirer of the talents & wisdom & rectitude which have illustrated & adorned it.

I shall anxiously expect to meet you at my dinner table with a few friends on Monday the 31st inst. I thank you for the very accurate detail of facts in the historical view of the progress of maritime law in the article on Phillips on Insurance,¹ & for the flattering notice of the late Chancellor of N. York. *Her late Chancellor* don't mean the Chancellor *before the last* for three reasons (1) There are but few of his decisions reported. (2) They are very stupid, & (3) The sound legal maxim is this, *at proximum antecedens fiat relatio*, & so I am fairly entitled to take all this liberal & cheering compliment to myself.

I am disturbed by an intruder, & I must hastily conclude myself,

Most sincerely & affec^y yours ; JAMES KENT.

HON. JOSEPH STORY.

Honorable Joseph Story. Cambridge near Boston.

NEW YORK, September 17, 1829.

MY DEAR SIR, — I have just been reading twice over your excellent *inaugural discourse*. It is masterly in matter & style, in elegance & taste, & you cannot but display in every production of your pen how richly & extensively your mind is endowed with every accomplishment. Your plan is magnificent, & I am satisfied you will fill up the outline with pre-eminent learning & the noblest doctrines, & with the profoundest views of morals & government, & all the various classes

¹ In North American Review, vol. xx. pp. 47-76.

of national, political, & social obligations & duties. Your professor's chair will be of itself (without the aid of Cranch & Gallison & Mason & Wheaton & Peters) a vehicle to conduct you to immortality.

I have thoroughly studied 4th Mason, & I will tell you what I think of it. The discussions on every point are full, complete & exhausting, be the subject what it may in the wide field of law; & these discussions are at the same time perfectly clear & lucid as the light itself, & they are clothed in language of equal precision, elegance, & force. This is my humble opinion, & permit me to subscribe myself,

Your most obliged & highly devoted friend.

JAMES KENT.

Hon. JOSEPH STORY.

Honble. Joseph Story. Sup. Court. Washington.

NEW YORK, February 21, 1834.

MY DEAR SIR, — I was gratified yesterday with the receipt of the volume of your *Commentaries on the Conflict of Laws*. It came through the agency of M^r Greenleaf, Professor at Cambridge. Your introductory sheet was received some time ago from you, & what can I say to the dedication? It is the most grateful, elegant & flattering tribute I ever received, & will be one of the most durable. I have not had time to do more than turn over the leaves of the new volume, & have not set down to study it as I shortly intend to do. I perceive everywhere the same peculiar & characteristic stamp that pervades all your works of full & accurate & exhausting research, & sound & unanswerable deduction, & pure & elegant language. I intended to have made a pilgrimage to Washington this season, & principally to have seen the Ch. J., but the discord that reigns within the federal domain has frightened me away. You have lost M^r Wirt, & which I exceedingly regret. You have very few men of purer hearts left. I read every thing that is published or related or said or done at Washington, & of course it may be presumed that my feelings are pretty intense & full of the *conflict of passions*.

Yours affectionately.

JAMES KENT.

Hon. Judge STORY.

Honorable Joseph Story. Cambridge (Massachusetts).

NEW YORK, April 11, 1834.

MY DEAR SIR, — I was in hopes of seeing you on your return from Washington, but I despair now of ever having that pleasure unless I should be led to visit Cambridge. In your transit to the South you hurry from wharf to wharf, because you have allowed the *least time possible* to reach Washington by the time the Court opens; & upon your

return the *thoughts of home* (& no wonder, there I can sympathize with you & forgive you) impel you through town as if the mob of the 6th Ward were at your heels. But at any rate I can reach you with my pen, “& waft a sigh from Indus to the Pole.”

There would be plenty of matter for us to chat about if we were together. I have now read & studied thoroughly your admirable *Commentary on the Conflict of Laws*. You are as usual full & perfect in every part, & have left no collateral as well as no direct point unexamined. I think there is most too much detail of the jarring opinions of the French & Dutch civilians to suit the profession. They seem in many instances to “tend to bewilder,” & if you had not drawn your corollaries at the end of each chapter, & which you do with the utmost perspicuity & accuracy, it would have been difficult in several points to know what were the rules as founded on foreign authority. You have instructed & delighted me exceedingly, & I have perceived & felt the want of precision & clearness in every instance in which you have intimated it, & have endeavored to correct my own passages. I say there is no such book extant on any single branch of the law, so full & clear, & perfect, & there was no head of the law which stood more in need of such a production, giving us all the principles & reasoning of all the great jurists of Europe on this subject.

I don't feel satisfied that you or the Ch. J. did not write an opinion on the copyright case,¹ & discuss the grounds of the claim at criminal law. It would appear to me to have fairly presented itself as a new question for discussion in our American jurisprudence. I don't complain of the decision on the point. It is more than probable I should have been of the same opinion had I studied the case, but that imposing *brief* of Mr Wheaton ought to have been met by one of the only two men who could have met it with a giant's force. On the second & secondary question as to the necessity of the deposit in the Secretary's Office as *indispensable to the title*, I could have wished the Court had viewed the law in a more indulgent light, & not held the omission of such an unimportant act, arising, perhaps, from forgetfulness, to be irremediable & fatal to the author's title. To deny the common law right & to construe the statute right with such severity is not palatable to us humble authors. However, when the case comes to be reported I shall be better able to judge of the merits of the two principal questions, & I should not have said any thing but in entire confidence & with the utmost attachment to the Court & its reputation. In these wretched times I am for sustaining the Supreme Court with my utmost efforts. My despair is a little over. Light

¹ Wheaton and Donaldson v. Peters and Grigg (8 Peters's Reports, 591-698). The opinion of the Court was delivered by Mr. Justice McLean, Justices Thompson and Baldwin dissenting.

breaks in upon the gloom. The complete revolution in Connecticut; the immense changes (almost without effort) in the interior of this State, & the results of the awful & tremendous election in this city, animate me. I look upon Jackson as a detestable, ignorant, reckless, vain & malignant tyrant, & I think the country begin to open their eyes in astonishment & see things in the true light. This American elective monarchy frightens me. The experiment, with its foundations laid on universal suffrage & an unfettered & licentious press, is of too violent a nature for our excitable people. We have not in our large cities, if we have in our country, moral firmness enough to bear it. *It racks the machine too much.* But I congratulate you on the result here. Only think, *35,000 votes taken in this city in three days amid almost one continued torrent of rain, & only 179, or thereabouts, majority for the Jackson mayor.* I dare say there were put in 1000 Jackson votes fraudulently. But adieu. If I talk too free, burn my letter. But at all events believe me truly & affectionately

Yours;

JAMES KENT.

Judge STORY.

Honble. Joseph Story. Cambridge (Massachusetts.)

NEW YORK, May 29, 1839.

MY DEAR SIR, — I take the liberty to ask your advice as to the expediency of an abridgment of my Commentaries for more popular & academical use. You have done so with your Commentaries on the Constitution of U. S., & Professor Bell¹ has done so with his Commentaries, & has sent me a copy of it.

What has suggested the idea is that constant calls have been made upon me for a cheap & abridged edition for our Western schools, academies, & colleges, & *I have it suggested that others will if I do not, & are preparing to do it.* If I undertake it, I shall announce it at once & put a stop to depredations under the color of abridgments, & I do not wish to quarrel with others as to what is, & what is not, a fair or a merely colorable abridgment.

Will you be so kind as to drop me a line of advice, & believe me

Most truly & affec^d yours;

JAMES KENT.

Hon. Judge STORY.

Honble. Joseph Story. Cambridge (Massachusetts.)

NEW YORK, October 5, 1842.

MY DEAR SIR, — I have just now returned to town from my summer residence in the country. While there I read over with marked

¹ George Joseph Bell, author of the Commentaries on the Laws of Scotland, a work of very high authority, which passed through numerous editions.

attention & study your complete treatise on Partnership & also 1 *Story's Rep.*, 2^d *Metcalf*, 2 *Hill N. Y.*, 1 *Green Ch. R.*, N. J., &c., &c., &c., & all the law treatises & best literary works & reviews recently out. I endeavor to keep *in sight* of the rapid career of modern learning. I have also read your *address* before the Alumni of Cambridge U. & was wonderfully pleased with its chaste & beautiful style & just & striking reproof of the ultraism of the age. I agree with you throughout, but I have no hope that this corrupt & fanatical age can be reformed without harsher applications, & I think we are running down fast to the lowest depths of degradation. The profligate apostacy of Tyler did not disturb me so much (for he is a fool) as that of the former great champion of the Constitution! But I stop with the assurance of my unalterable admiration & attachment to you & your principles & efforts.

Adieu.

JAMES KENT.

Hon. Judge STORY.

Honble. Judge Story. Cambridge, near Boston.

NEW YORK, April 18, 1844.

MY DEAR SIR,—I owe you an apology for so long a delay in sending you a letter, & acknowledging the favor of the 2^d edition of your work on Agency. I have been very busy for some time with the 5th edition of my Commentaries, & it is now just published, & a parcel of the work has been sent on to Little & Brown, booksellers in Boston, with directions to them to present a set neatly bound to you.

This edition consists of 3500 sets at \$10 a set to the trade, & in my circular to them I state that the edition has been much enlarged, as may be inferred from the fact that the

3^d edit. consisted of 312 signatures

4th 344 with tables of Cases

5th 374 with do

I have already within a week past sold to the trade 535 sets at 6, 9, & 12 months credit, according to the quantity, & no sale under 25 sets. The edition cost me in paper & printing \$9,600.

But enough of such matter. Be perfectly assured that my respect, esteem, & love for you are as firm & ardent as ever, & I anxiously hope that your health has not been injured by your winter excursion at Washington.

What calamitous times we live in! I look upon the administration of our general government as rotten to the core, & great chiefs & statesmen are contending for power with much less dignity & with as much profligacy as did the Roman demagogues in the last stages & agonies of the Roman Republic. But I have no doubt Mr Clay will be elected & give us better times. Nothing can be so degrading &

detestable as the conduct of the weak, vain, perfidious wretch that at present wields power to the dismay & scourge of the nation.

My old friend Ch. J. Spencer called on me yesterday on his way as a Delegate to the Whig Baltimore Convention, & thinks & *feels* on all points as I do. It was quite cheering to find him so thoroughly sound & wise as a statesman & a patriot.

I did yesterday place my name at the head of a list of merchants, lawyers, & others, making a Call on the Citizens to meet next Monday evening to express their condemnation of the project of the annexation of Texas. I thought I owed my name to such an occasion, though I said they must not expect me to attend the meeting.

Yours affec^y;

JAMES KENT.

Honble. JOSEPH STORY.

The Honble. Mr Justice Story. Cambridge, Massachusetts.

NEW YORK, June 17, 1845.

MY DEAR SIR, — I feel extremely grateful for the kind, warm, & affectionate invitation given by your letter of the 10th & if I could have been present at the celebration I should most certainly have resorted to your hospitable roof. That pleasure I am obliged to forego.

I have for some time from various reports & observations anticipated the sad event of your retirement from the Bench. The loss will be immense & altogether, & in any genial times, wholly irreparable. But you have done your duty most successfully & most nobly, & your decisions & writings will "delight & instruct the most distant posterity." What a succession of great & estimable men have you witnessed as associates since you ascended the Bench, & now what a "melancholy mass" it presents! I would not sit on that Bench for all the world! I do not regard their decisions (yours always excepted) with much reverence, & for a number of the associates I feel habitual scorn & contempt. I can never think well of a man who consented to do what his predecessor thought it dishonest to do, that is, to remove the U. S. Bank deposits to gratify the malignant persecutions of a savage despot, & in palpable violation of contract. Indeed, the prospect of the country appears to me to be deplorable. I am very apprehensive our weak & wicked administration of unprincipled demagogues will involve us in war, misery, disgrace. Considering such characters as Tyler & Polk, the idea of a great people electing their chief magistrate by popular vote, & with discretion, judgment & honesty, appears to me to be a complete humbug.

Yours truly & affectionately;

JAMES KENT.

The Hon. Mr Justice STORY.

William W. Story, Esq. Boston, Mass.

NEW YORK, May 26, 1846.

DEAR SIR, — I acknowledge the favor of your letter of the 20th inst., & I have in order to gratify your request, examined the bundles of my private letters, & I find in them upwards of 30 from your father to me between the year 1820 & the year of his death. I must submit to your judgment & discretion how far they ought to be published. They abound in tokens of friendship & high commendation, & I am apprehensive that it may be thought not becoming in me to be auxiliary to such continued approbation & praise. There are besides in the latter part of the correspondence under the inauspicious administrations of Jackson & Tyler pretty free strictures on the demerits & gloomy aspects of those times. It may well be inferred that the letters are responses to similar sentiments on my part. However, as far as I am concerned, I have no scruples that my opinions should be known. Upon the whole I submit to your good sense & taste to deal with the correspondence as you please, & to make such extracts as you think proper. I present the whole to your use. But as to personal recollections connected with your father's life & fame, I do not know what to say. We never had a great deal of personal intercourse, except on two or three visits at Boston. It is well known that I was always (& it could not possibly have been otherwise) charmed with Judge Story's affability, exuberance of correct learning & inimitable powers of conversation. I recollect I was deeply & wonderfully struck when, in 1836, I went with M^{rs} Kent & some others & called on Judge Story, & he took us over the romantic & sacred grounds of Mount Auburn & he poured forth the rich profusion of his poetical & elegant genius & impassioned & pathetic feelings, with a force & beauty that never were surpassed. I never can forget that ramble.

What shall I do with a bundle of letters? wait for a private conveyance or pack them up in a neat little package & send them by Adams' Express? You need not copy or return them. I give them up to you, & believe me

Respectfully & affectionately yours;

JAMES KENT.

WM W. STORY, Esq.

To the Hon'ble Mr. Chancellor Kent. New York. By favour Mr. George S. Hillard.

CAMBRIDGE, April 4, 1831.

DEAR SIR, — I beg the favour of introducing to your acquaintance my friend & pupil in our Cambridge Law School, Mr. Hillard.¹ I

¹ George S. Hillard, afterward a member of this Society, and one of the most accomplished men of his time.

take the greatest pleasure in assuring you that he is in all respects worthy of your regard, as a scholar, a gentleman, a lover of the law, & a sound advocate of sound literature. I may add that he was graduated in Harvard College with the first honours; & I look forward to him as one of those who are destined to fulfil the best expectations of the public & of the profession by directing their genius to the noblest ends by the noblest means.

I send you the sheets of the fifth Mason's Reports, supposing that it is possible (for I do not remember) that the other volumes might be unbound, & not being able to get any one in boards, or otherwise bound than in a sadly small form, almost unfit for use. I submit it to your criticism, as one entitled to be my judge in the best of all appellate jurisdictions, that which depends for its power upon its learning & its merits, independently of office or station.

Believe me most truly & respectfully your obliged & obedient friend
JOSEPH STORY.

The Hon'ble Mr. Chancellor KENT.

P. S. Your speech, or rather speeches, at the Webster dinner were eminently felicitous, all that they ought to be, all that we could wish.¹

CAMBRIDGE, NOV^r 3, 1834.

DEAR SIR, — I beg the favour of introducing to your acquaintance the Rev^d Mr. Dewey, of New Bedford,² who is now about to pass some time in New York, having been compelled by ill health to resign his pastoral charge of a Unitarian society in New Bedford. Mr. Dewey is among our most accomplished scholars, of very high talents & various learning, & among our most distinguished divines for eloquence & deep thought. He is not less esteemed for his solid virtue & principles & his social qualities. I feel a desire that he should be known to you, & I know full well how much he will appreciate any acquaintance with one like yourself, at once a lover & an example of every species of literature & learning.

Believe me very truly yours; JOSEPH STORY.

The Hon'ble JAMES KENT, LL.D.

¹ A public dinner was given to Mr. Webster in New York, March 10, 1831, at which Chancellor Kent presided.

² Rev. Orville Dewey, D.D. (born in Sheffield, Mass., March 28, 1794; graduated at Williams College in 1814; died in his native town March 21, 1882), was successively settled at Gloucester, New Bedford, New York, and Boston, and was one of the most distinguished and influential ministers of the Unitarian denomination.

To the Hon'ble James Kent, LL.D. New York.

CAMBRIDGE, June 1, 1839.

MY DEAR SIR, — In reply to your letter of the 29th of May,¹ I beg to say that I by all means advise to your publication of an abridgment of your Commentaries for academical & popular use. I think such a work would be eminently useful in the diffusion of correct principles & sound doctrines upon our constitutions of government, as well as upon the science of law. I am sure that if you do not execute the task yourself, it will be undertaken by others, & I greatly fear that in such a case it will become a mere bookseller's job, & be a miserable piece of patch-work. You alone are competent to the task, & I am sure that in your hands it will have all fullness, accuracy & clearness which are essential to its general circulation & reading. You alone can abridge it without being obscure or technical. I pray you therefore to set about the task at once, & place the public at large once more under deep obligations to you for your own glorious examples of authorship as well as of public & private virtue. I shall hail such a work with double pleasure. Pray give my kindest regards to Mrs. Kent & your family, & believe me most truly & affectionately

Your obliged friend.

JOSEPH STORY.

The Hon'ble JAMES KENT.

P. S. My work on Agency is in the press & I hope to send you a copy in about a month.

To the Hon'ble James Kent, LL.D. New York.

CAMBRIDGE, April 25, 1844.

MY DEAR SIR, — I had the pleasure of receiving a few days ago through Messrs. Little & Brown a copy of your 5th edition of your Commentaries, & soon after your kind letter.² I have glanced over the Commentaries with a hasty but searching eye & perceive everywhere new proofs of your diligence, vigorous learning, & cautious sagacity. I feel proud for my country that you have performed this great task of revision at the age of 80 yrs., when most men have ceased from their labours, & I have not the slightest hesitation in adding that it could not have been better performed by any other person, nay, as I think, not so well, so accurately, or so felicitously. You have fixed the Great Seal to your Immortality in the Law, & I am rejoiced to "pursue the triumph & partake the gale." God grant you many years more to witness the wide spread & glory of your well earned reputation, earned, as it should be, by a life devoted to virtue, to principle, to the advancement of law & the Constitution. Thus much

¹ See *ante*, p. 418.

² See *ante*, p. 419.

you must permit [me] to say in all sincerity of heart. I will not say, *Non invideo, magis miror*, — rather would I say in a noble sense, *Et invideo et miror*. O! that I had your excellent son¹ as my colleague on the bench; then should I feel ready to depart in peace. I have even thought that he & Mr. Lord² were the only candidates that as to age, character & qualifications a President ought to select for the office. But what can we hope from such a head of an administration as we now have but a total disregard of all elevated principles & objects. I dare not trust my pen to speak of him as I think. Do you know (for I was so informed at Washington) that Tyler said he never would appoint a Judge “of the school of Kent”?

Poor Baldwin is gone,³ another vacancy on the bench. How nobly it might be filled! But we are doomed to disappointment.

I write you in great haste, & am

Most truly & affectionately yours;

JOSEPH STORY.

The Hon'ble JAMES KENT, LL.D.

Remarks were also made during the meeting by Messrs. T. K. LOTHROP, JAMES F. RHODES, T. J. COOLIDGE, ALBERT B. HART, A. McF. DAVIS, GAMALIEL BRADFORD, EDMUND F. SLAFTER, and GEORGE B. CHASE.

¹ William Kent, born in 1802, died in 1862, for one year Royall Professor of Law in the Harvard Law School.

² Presumably Daniel Lord, one of the most eminent lawyers of his time in New York (born in Stonington, Conn., Sept. 2, 1795; died in New York City, March 4, 1868).

³ He died April 21, 1844. See note *ante*, p. 354.